

Felix Rosenberg Guttman

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January 04th, 2010

**Clerk of the United States Bankruptcy Court for the Southern District of New York
One Bowling Green
New York, New York 10004
USA**

JAN - 8 2010

**Reference: Irving H. Picard, Esq.
Trustee for Bernard L. Madoff Investment
Securities LLC
Bankruptcy Case No. 08-1789 (BRL)**

On December 24th 2009, we have received the notification dated December 8th 2009 from Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC , which denied our request of protection for the lost of our investments in Thema Fund Hedged US Equity Funds and the reason is that we are not a customer of BLMIS under SIPA.

We are totally opposed to that negative, because the consideration mentioned in the letter does not turn out to be worthy to scorn our request. The documents we presented on February 25th, 2009 credit sufficiently the bank relationship between the purchase of 300,000 units of Thema Fund Hedged US Equity Funds from my account number 638 838 - Eldorado at Deutsche Bank, being my funds prosecuted in the diverse alternatives of investment that BLMIS offered.

The millionaire fund composed of money of thousands of indirect investors- can not be excluded from the procedure of bankruptcy and from the recognition of credit of the BLMIS, especially if there exists a legal and judicial emptiness on the coverage of this protection. The indirect investor must not be harmed for not fulfillment of formalism and that cannot be used to unprotect this investor's class, who owns a great part of the money that BLMIS caught and took advantage for its transactions. It is evident that the requirement of being a

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customer of BLMIS does not attend a notion of justice, in fact generates a pernicious incentive of distrust and insecurity about the finances in the world.

So I present this opposition to notification from December 8th 2009 which denied our request of protection for the lost of our investments in Thema Fund Hedged US Equity Funds, and I expect you to consider my foundation in this procedure, according to my rights.


Felix Rosenberg Guttman